

Atty Amador, Catherine A. (for Petitioner Sylvia JP Gonzalez)

(1) Thirteenth Account and Report of Successor Co-Conservator and (2) Petition
for Allowance of Fees to Conservator

		SYLVIA J.P. GONZALES , sister and Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR First Amended Thirteenth Account filed 2/10/2015 is set for hearing on 3/19/2015	
Cont. from 010615, 012015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/O
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	2620			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 2/18/15	
			Updates:	
			Recommendation:	
			File 1 - Larssen	

Pro Per Gallegos-Bates, Mary (Pro Per Petitioner, Administrator)

(1) First and Final Account and (2) Petition for Final Distribution

DOD: 4/15/2005		MARY GALLEGOS-BATES , sister and Administrator appointed <u>without IAEA Authority</u> and without bond on 8/2/2005, is Petitioner. Letters issued on <u>8/11/2005</u> . Account period: Not stated Accounting - Not stated Beginning POH - \$200,000.00 Ending POH - \$0.00 Administrator - Not requested Attorney - \$7,000.00 (statutory; <u>paid</u> to Attorney Patricia Carrillo on 4/27/2007 without Court authorization;)	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 1/20/2015.</u> Minute Order states the Court directs the Public Administrator to recover the \$7,090.00 that was paid from the escrow improperly to Attorney Patricia Carrillo. Ms. Carrillo's appearance is not required on 2/24/2015 if the aforementioned issue is resolved. Note: Minute Order dated 10/21/2014 states, in pertinent part, that the Court on its own motion relieves Mary Gallegos-Bates as the administrator and appoints the PUBLIC ADMINISTRATOR as the personal representative. Note: Declaration of Mary Gallegos-Bates Regarding Attorney's Fees filed 10/16/2014 states: <ul style="list-style-type: none"> To the best of her recollection, in 2006 she paid attorney Patricia Carrillo the sum of ~\$800.00 to cover Court costs that she advanced; In addition to paying Ms. Carrillo for the Court costs, Ms. Carrillo told her and her now deceased parents that they would have to get a loan to cover her ~\$7,000.00 in attorney's fees for handling the probate; Attorney Carrillo arranged for a loan and was paid the sum of \$7,090.00 from the escrow (copy of the escrow statement attached.) ~Please see additional page~
Cont. from 081114 082614, 102114, 012015			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
PTC	X		
✓ Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.		Petitioner states: <ul style="list-style-type: none"> The sole asset of the estate, the Decedent's residence, was distributed to the beneficiaries of the estate, the Decedent's mother and father, VIRGINIA GALLEGOS [DOD 2010] and THEODORE GALLEGOS [DOD 2009]; The Decedent's parents purchased the residence in 2000 and the Decedent and his brother, ROBERT B. GALLEGOS, lived with them; The Decedent's name was on the title as joint tenant with his parents; The Decedent took out 2 subprime loans on the property, and in order to do so, he had to take his parents' names off the property and put the property in his name; when one subprime loan would become due, he would take out another one, and so on; ~Please see additional page~ 	
Pers.Serv.			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
Order			
Aff. Posting		Reviewed by: LEG Reviewed on: 2/18/15 Updates: Recommendation: File 2 – Gallegos	
Status Rpt			
UCCJEA			
Citation			
FTB Notice	N / A		

Petitioner states, continued:

- The subprime loan payments increased, and Decedent and his parents and brother, Robert, attempted to make the payments but it became very difficult for them to do so;
- After Decedent's death in 2005, the payments fell behind and the only way to save the house was to get a refinance modification and reduce the monthly payment amount; the estate beneficiaries, Decedent's parents (Virginia and Theodor Gallegos) continued to live in the residence;
- It was also necessary to refinance the property in order to pay the creditor's claims filed in the estate and to pay Petitioner's attorney at the time, **PATRICIA CARRILLO**, her statutory fees; there was no other cash to do so;
- Decedent's parents were the two beneficiaries of his estate, but they did not qualify for the loan because they were both living on Social Security benefits only;
- Attorney Carrillo would not continue handling the estate unless we deposited **\$7,000.00** for attorney's fees in her trust account; she wanted to get paid and said she would introduce us to someone who could help get a loan despite the low income;
- Attorney Carrillo sent us to a man named **PAUL WILLINGHAM**, who said he could get their brother, Robert, qualified for a loan even though his sole source of income was Social Security Disability, but in order to refinance the loan, he had to be on title to the home;
- In 2007, at the close of escrow, the residence was deeded to Robert Gallegos, Decedent's brother (*copy of escrow statement attached as Exhibit A*);
- As can be seen from the escrow statement, the creditor's claims were paid from the escrow, and the attorney's fees were paid out of the escrow;
- The balance of the funds in the approximate amount of **\$13,000.00** was given to Robert Gallegos [*escrow statement shows \$13,629.12 was the borrower's refund*];
- Petitioner and Robert were under the impression that because the estate had been distributed, that it was now closed;
- The estate had been distributed to the Decedent's mother and father (Virginia and Theodor Gallegos) because after the close of escrow, Robert added his them back on title to the home as joint tenants as his parents requested;
- Decedent's parents Virginia and Theodor Gallegos wanted Robert on the title as a joint tenant in case something happened to them because Robert is disabled and they wanted to make sure he would always have a place to live;
- Robert gave the **\$13,000.00** "overage" from the escrow to his parents Virginia and Theodor Gallegos who paid off their bills;
- It was not until December 2013 that the petitioner learned that the probate had never been closed and the Court set a status hearing to complete the probate;
- Title to the Decedent's property is now held in the name of Robert Gallegos, Virginia and Theodor Gallegos, as joint tenants (*copy of Deed attached as Exhibit B*).

Distribution pursuant to intestate succession (§ 6402(b)) is to: Virginia Gallegos and Theodor Gallegos (Decedent's parents) as to the entire interest in Decedent's real property.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS RE: Petitioner's First and Final Account:

The following issues from the last hearing remain:

Note: Petitioner was granted **no** independent authority to administer the estate, hence court supervision has been required to administer this estate pursuant to Probate Code § 10401, such that judicial order, authorization, approval, confirmation or instructions are required for many actions during administration, including most importantly the final distribution of property pursuant to Probate Code § 10501(a)(4), which the *Petition* states has already been done. Based upon Court records, it appears court supervision has never been sought by Attorney Patricia Carrillo for the Administrator for any actions taken during this estate administration in violation of Probate Code §§ 9610 et seq., and §§ 9650 et seq., which require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted.

1. Attorney Patricia Carrillo arranged for a loan and was paid without Court authorization the sum of **\$7,090.00** from the escrow related to the loan the Administrator was made to take out on the real property for payment of her attorney fees and for payment of **\$8,829.28** in creditors' claims.
2. *Order on Court Fee Waiver* filed 7/7/2014 grants Petitioner's fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of assets and property from an estate. The estate property has been distributed by Petitioner; therefore a **\$435.00** filing fee to the Court is due from Petitioner prior to issue and processing of a final order for closing this estate.
3. *Need Notice of Hearing of the First and Final Account and Petition for Final Distribution*, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 1220, 11000 and 11601 for the following person:
 - **ROBERT B. GALLEGOS**, brother.
4. *Final Inventory and Appraisal* filed on 9/28/2005 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)

Note Re Creditors' Claims: Paragraph 9 of the *Petition* states: "All creditor's claims have been paid, and Withdrawals of Creditor's Claims have been filed with the Court." Court records show no withdrawals of creditors' claims have been filed with the Court, nor have proofs of satisfaction of the claims been filed. Exhibit A containing a copy of the Chicago Title escrow statement from the loan funds obtained against the estate real property appears to demonstrate payment of the following creditors' claims filed in this proceeding:

- **\$2,444.54** filed by **CAPITAL ONE** on 9/27/2005;
- **\$5,165.74** filed by **HOUSEHOLD FINANCE CORP.** on 9/6/2005;
- **\$1,219.00** filed by **CITIBANK USA** on 8/9/2005.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note Re Administration and Distribution of the Estate Property: Paragraph 10 of the *Petition* states Petitioner took the following action without court supervision: "The sole asset of the estate, the Decedent's residence, was distributed to the beneficiaries of the estate, the Decedent's mother and father, **VIRGINIA GALLEGOS [DOD 2010]** and **THEODORE GALLEGOS [DOD 2009]**." Probate Code § 10501 lists the actions that must be brought before the Court even when the personal representative has been granted full IAEA authority, or limited IAEA authority, some of which are as follows:

- 10501(a)(2) – Allowance of compensation to the attorney for the personal representative [*please refer to **Note Re Payment of Attorney Fees**, below*];
- 10501(a)(3) – Settlement of accounts [*pending*];
- 10501(a)(4) – Final distributions and discharge [*pending*];
- 10501(b)(4) – Borrowing money with the loan secured by an encumbrance upon real property.

In violation of the Probate Code provisions, the Petitioner has proceeded without any IAEA authority and without court supervision regarding each of the above-noted actions. However, in light of the complicated background of this matter, it appears the Court may take into account the totality of circumstances of this case, including Petitioner's previous representation by Attorney Carrillo, when making a determination regarding the acceptability of the Petitioner's *First and Final Account and Petition for Final Distribution*.

Note Re Payment of Attorney Fees: Based on the pleadings, Attorney Patricia Carrillo has been **paid a minimum of \$7,690.00 in fees and costs** from the estate and/or the Petitioner. The following case history and information is provided for the Court's reference regarding this payment of attorney fees:

- **Letters issued to the Petitioner for this estate on 8/11/2005**, while she was represented by Attorney Carrillo. The complete lack of the Petitioner's IAEA authority, which IAEA authority is typically requested and granted as standard practice in probate proceedings before this Court, was the result of the initiation of these proceedings by Attorney Carrillo. Petitioner in her proceeding as a self-represented party likely was unaware of the lack of her authority as Administrator. The lack of communication between Petitioner and Attorney Carrillo was a burden upon Attorney Carrillo to timely rectify.
- **Status Report filed 2/14/2014 by Attorney Carrillo**, which was filed in response to the Court setting a status hearing on **2/21/2014** for failure to file a first account or petition for final distribution is quoted as follows:
"The statutory attorney fees have been paid on or about 4/27/2011 [sic]. A *First and Final Account and Petition for Final Distribution* (the '*Final Petition for Distribution*') has not been filed in this case. All associated costs or expenses incurred in the administration of the estate have been paid or reimbursed to the attorney for the Administrator, Patricia S. Carrillo (the '*Attorney*')."
- **Order Granting Attorney's Motion to be Relieved as Counsel filed 4/2/2014** granted Attorney Carrillo's request to withdraw from representation of the Petitioner. **Minute Order dated 4/2/2014 states:** Ms. Carrillo is directed to provide Ms. Gallegos-Bates any documents she has. Matter continued to 5/7/2014 for Ms. Gallegos-Bates to hire new counsel.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

- **Copy of Chicago Title escrow statement dated 4/27/2007**, following Attorney Carrillo's release as attorney of record, shows that the following payments pertinent to the estate administration and closing were made from the loan funds obtained against the estate real property:
 - Broker compensation and Origination fee of **\$1,952.00** to **PAUL D. WILLINGHAM DBA iFINANCIAL**;
 - Broker processing to **iFINANCIAL REAL ESTATE** of **\$475.00**;
 - **HOUSEHOLD FINANCE CORP.** for pay in escrow of **\$5,165.74** *[valid creditor's claim]*;
 - **CITIBANK USA** for pay in escrow of **\$1,219.00** *[valid creditor's claim]*;
 - **CAPITAL ONE** for pay in escrow of **\$2,444.54** *[valid creditor's claim]*;
 - **LAW OFFICES OF PATRICIA S. CARRILLO** for legal fees due of **\$7,090.00**.

The following provisions provide support for the attorney fees received by Attorney Patricia Carrillo being reduced and returned to the estate:

- **Probate Code §§ 10830, 10831, and 10501(a)(2)** require the allowance of compensation to the attorney only by court order authorizing such payment. Compensation must be allowed by the Court before it is taken.
- **Probate Code § 12205** allows the Court to reduce the compensation of the attorney if responsible for an unreasonable delay in closing the estate. The time taken for administration of the estate was within the control of the attorney whose compensation would be reduced in that the estate was allowed to linger by the attorney during the communication breakdown between attorney and personal representative.
- **California Rule of Court 7.700 provides: (a) No compensation in advance of court order.** The personal representative must neither pay nor receive, and the attorney for the personal representative must not receive, statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. **(b) Surcharge for payment or receipt of advance compensation.** In addition to removing the personal representative and imposing any other sanctions authorized by law against the personal representative or the attorney for the personal representative, the court may surcharge the personal representative for payment or receipt of statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. The surcharge may include interest at the legal rate from the date of payment.
- ***In re Estate of Wong*, 207 Cal. App.4th 366, 2012:** "...Attorney compensation for services rendered to the personal representative of a probate estate is not paid by the client, but out of the estate itself."

3

Warren G Mara (Estate)

Case No. 05CEPR01367

Atty Rube, Melvin K. (for Gary W. O'Meara – Former Administrator – Petitioner)

Atty Krbechek, Randolph (for James L. Mara – Objector)

Atty Kruthers, Heather H. (for Public Administrator)

(1) First Account and Report of Petitioner Gary O.Meara and (2) Petition for Its Settlement

DOD: 9-8-04		See petition and objection for details.	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner was appointed with Full IAEA without bond and Letters issued on 1-4-06. On 12-1-14, Petitioner was removed as Administrator and ordered to account and turn over any and all paperwork pertaining to the estate to the Public Administrator. Letters issued to the Public Administrator on 1-12-15. <p style="text-align: center;"><u>SEE PAGE 2</u></p>	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
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	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
✓	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
N/A	FTB Notice			
			Reviewed by: skc Reviewed on: 2-19-15 Updates: Recommendation: File 3 - Mara	

3

NEEDS/PROBLEMS/COMMENTS:

1. The Court may require clarification regarding the real property that is the main asset of this estate. The I&A filed 12-19-06 includes "Residential real property located at 1415 Sunnyside, APN 498-181-08-01, and valued at \$360,000.00 at the decedent's death. This petition describes that the real property includes both a residence and a duplex with another address. Does the I&A, which only mentions the one address and APN, accurately reflect the entire property that is the asset of the estate?
2. Petitioner requests that all of his acts and transactions of Administrator be confirmed and approved; however, Examiner notes that this estate was opened in 2005 and is seriously delinquent in its closing pursuant to Probate Code §12200. Examiner further notes that Petitioner made unauthorized distributions to himself totaling almost \$60,000.00 (payments and truck), as well as to the other heir (in a lesser amount). The Court may require clarification or may strike any such language from the proposed order.

Note: Petitioner states the distributions are included in Distributions Schedule C; however, it is notable that the lengthy Distributions Schedule C is for the entirety of the estate, by date, and distributions are not broken down by type or payee, making it difficult for the Court to review the unauthorized distributions as a set.

3. It appears Petitioner and Attorney are requesting statutory compensation as if this were the final account and the estate is in a position to close. See Exhibit 2 Compensation Base.

However, this first account is almost 10 years delinquent, and the Public Administrator has now been appointed to close the estate. The Court may require clarification with reference to the following Probate Code sections:

- §12205 (Court may reduce compensation for delay)
- §10830 (Compensation prior to close of estate), and
- §10814 (Compensation when there are two or more attorneys).

Note: It further appears that the calculation of the fees includes "principal receipts" of \$12,680.91, which appears to include the \$11,051.78 partial reimbursement to the estate for unauthorized distributions to Petitioner. Need authorization for such reimbursement to be included as a "receipt" for fee calculation.

(1) Third Account Current and Report of Guardian and (2) Petition for Allowance of Compensation to Guardian and Attorney

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:	
Cont from 012215				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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✓	Notice of Hrg			
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	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 2-17-15		
		Updates:		
		Recommendation:		
		File 4 - Ring		

DOD: 9-25-11		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner filed rejections of three creditor's claims on 11-10-14 indicating that notice of rejection was mailed 10-29-14. Creditors have 90 days to act on a rejected claim. See Probate Code §9250(c)(8). Need verified update regarding the claims/rejections. 2. The Court may require clarification regarding the use of the entirety of the estate's funds to settle one creditor's claim rather than apportionment pursuant to Probate Code §11450 (priority within debt class). 3. Petitioner states he has agreed to be personally responsible for all costs of administration incurred by Dowling Aaron Incorporated in administration of the estate. Note that pursuant to Probate Code §10813, an agreement for higher compensation than the statutory calculation is void. Petitioner does not itemize the costs incurred. The Court may require clarification or itemization of costs to be paid outside of probate by Petitioner. 4. Petitioner was formerly represented by Attorney Gary Bagdasarian; therefore, pursuant to Probate Code §10814, he may be entitled to a portion of the statutory attorney's compensation. The Court may require clarification or agreement re apportionment of statutory compensation. 5. Petitioner must request discharge via the appropriate procedure. See Mandatory Judicial Council Form DE-295 Ex Parte Petition for Final Discharge and Order.
Cont. from 101614, 120214			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
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Sp.Ntc.			
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Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 2-17-15			
Updates:			
Recommendation:			
File 5 - Hinojosa			

- (1) First Account Current and Report of Conservator and Petition for its Settlement,
 (2) for Approval of Sale of Depreciating Property, (3) for Approval of Donation,
 and (4) for Allowance of Conservator's and Attorney's Compensation

DOD: 12/8/2014		IRENE V. SANTOS , daughter and Conservator of the Person and Estate appointed on 11/8/2012 with bond set at \$123,895.00 , is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Based upon Attachment 1 to the <i>Clarification and Explanation Declarations of Conservator and Attorney of Conservator Regarding Their Fees</i> filed on 2/17/2015, which contains a copy of the Conservatee's death certificate, it appears the Conservatee has been <u>deceased since 12/8/2014</u> ; this is the first mention of her death in any of the pleadings that have been filed subsequent to the Conservatee's date of death. Continued from 1/20/2015. Minute Order states the Court provides its indications regarding the items listed on the examiner notes. Mr. Boyajian is directed to contact the examiner if needed. Mr. Boyajian is to file any declaration at least one week ahead of the hearing date. (Please refer to <i>Clarification and Explanation Declarations of Conservator and Attorney of Conservator Regarding Their Fees</i> filed on 2/17/2015.) Note: If <i>Petition</i> is granted, Court will set status hearing as follows: <ul style="list-style-type: none"> Monday, August 24, 2015 at 9:00 a.m. in Dept. 303 for filing of the final account. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required. ~Please see additional page~
Cont. from 090814, 100814, 102914, 012015		Account period: 12/1/2012 - 6/30/2014	
		Accounting - \$223,182.60	
		Beginning POH - \$164,620.32	
		Ending POH - \$ 47,101.81 (\$42,601.81 is cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Conservator - \$13,425.00 (per Declaration attached as Exhibit B1; for 447.5 hours @ \$30.00 per hour;)	
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	Proof of Bond	Attorney - \$10,300.00 (per Declaration attached as Exhibit A1; for 41.20 hours @ \$250.00 per hour, from 9/12/2013 to 7/28/2014;)	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Bond - \$123,895.20 (Order After Hearing filed 8/27/2014 finds bond is reduced to \$35,000.00 ;))	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner prays for an order:	
<input type="checkbox"/>	Pers.Serv.	1. Approving and settling the First Account;	
<input type="checkbox"/>	Conf. Screen	2. Approving all acts and transactions of the Conservator relating to the conservatorship;	
<input type="checkbox"/>	Letters	3. Approving and confirming the sale of the Conservatee's recreational vehicle [appraised at \$12,500.00 and sold for \$1,000.00] as a sale of a depreciating asset;	
<input type="checkbox"/>	Duties/Supp	4. Approving and confirming the donation to the local Salvation Army of Conservatee's furniture and furnishings [valued at \$960.00] as a donation of depreciating assets;	
<input type="checkbox"/>	Objections	5. Authorizing and directing Conservator to pay herself \$13,425.00 as compensation for her services rendered; and	
<input checked="" type="checkbox"/>	Video Receipt	6. Authorizing directing Conservator to pay the Attorney fees of \$10,300.00 as compensation for services rendered.	
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
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NEEDS/PROBLEMS/COMMENTS, Note to Attorney for future reference: First Account was reviewed without requesting an amended accounting for the failure to use the mandatory-use Judicial Council forms pursuant to Probate Code § 2620(a) and CA Rule of Court 7.101(a). The First Account has been re-reviewed in conjunction with the subsequently filed supplemental declarations in order to help facilitate moving toward closure of the Conservatorship administration of the now-deceased Conservatee's estate. A final account is required to close this Conservatorship estate, representing the period beginning **7/1/2014** through the end of the conservatorship administration, which includes the period up to the Conservatee's date of death on **12/8/2014** and all transactions subsequent to that date.

Note: Proposed order submitted for the **2/24/2015** hearing includes specific findings which the Court may find inappropriate based upon the Court's instructions to the Attorney at the hearing on 1/20/2015, and based upon all of the Declarations that have been filed to address the issues raised regarding the First Account. The following explained interlineations have been made to the proposed order to comply with the Court's authorizations as specified at hearing on 1/20/2015:

- **Court approval of sale of Conservatee's recreational vehicle:** Proposed order has been interlineated to strike this finding entirely.
 - For reference: Attorney Boyajian filed on 9/30/2014 an *Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014*, which states that upon review of the issue regarding the unverified encumbrance relating to the Conservatee's RV, it was brought to his attention by the Conservator that the encumbrance was for an outstanding loan balance to Bank of America and said encumbrance was completely paid off by the Conservatee long before the inception of the Conservatorship; this the encumbrance did exist but it is moot in regards to the Conservatorship accounting; for purposes of the Conservatorship accounting and the new appraised value of the recreational vehicle set at **\$1,000.00**, the **\$10,000.00** encumbrance should have absolutely no bearing on the accounting or on the question of whether the Conservator made the right decision in selling the RV.
- **Questionable Expenditures:** Proposed order contains findings related to the issues raised for the 1/20/2015 hearing regarding questionable expenditures reflected in the schedules, all of which findings have been stricken from the proposed order as they are inappropriate to be included as "findings" of the Court, as follows:
 - Payment of **\$833.00** for the premium on a surety bond for this conservatorship.
 - Payment of **\$7,910.00** and **\$15,820.00**: for the Conservatee's skilling nursing home living.
 - Payments of **\$21.96** and **\$589.29** to Data Central Collection Bureau for Conservatee's outstanding bills to American Ambulance and Community Medical Imaging.
 - Payment of **\$44,130.00** to Golden Living for Conservatee's residence fee.
- **Repayment to the Conservatorship of \$195.44:** Proposed order has been interlineated to state that the Conservator shall pay the sum of **\$195.44** to the estate (the use in the order of the past tense "has paid" is inappropriate under these circumstances.)
 - For reference: *Schedule C, Disbursements* shows **\$195.44** was paid to Attorneys Tomassian, Pimentel & Shapazian on 10/16/2013 for legal consultation fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. As acknowledged by Attorney Boyajian in the *Clarifying and Explanatory Declaration filed on 9/8/2014*, Conservator submits that she will reimburse the estate \$195.44 for such disbursement.
- **Repayment to the Conservatorship of \$500.00:** Proposed order has been interlineated to state that the Conservator shall pay the sum of **\$500.00** to the estate (the use in the order of the past tense "has paid" is inappropriate under these circumstances.)
 - For reference: *Schedule C, Disbursements* shows **\$500.00** was paid to Attorney Thomas Boyajian on 10/16/2013. As acknowledged by Attorney Boyajian in the *Clarifying and Explanatory Declaration* filed on 9/8/2014, the **\$500.00** legal fees paid to Attorney Thomas Boyajian were in fact consultation fees for 2 hours of consultation offered to the Conservator prior to his being hired and becoming attorney of record; therefore, the Conservator will reimburse the estate \$500.00 for such legal consultation fees.

~Please see additional page~

Continued: The following explained interlineations have been made to the proposed order to comply with the Court's authorizations as specified at hearing on 1/20/2015:

- **Proposed order appears to reflect the Court's instructions to reduce the total amount to be paid for Conservator fees, per Exhibit B2 entitled Amendment of Declaration of Irene V. Santos Request for Conservator's Compensation** attached to the *Clarification and Explanation Declarations of Conservator and Attorney of Conservator Regarding Their Fees* filed on 2/17/2015, a seemingly revised itemization that reduces the hours from **447.50** to **431.50** and charges the Court-authorized **\$20.00** rate instead of the **\$30.00** rate per hour. Total fees requested are **\$8,630.00** (reduced from **\$13,425.00**), which reduced sum has not been interlineated or changed in the proposed order.
- **Thomas M. Boyajian, Request for Attorney Fees:** The Court indicated at hearing on 1/20/2015 that the following charges for attorney fees should be removed from the attorney fee request, resulting in a total attorney fee authorization of **\$8,887.50**:
 - **Charge of \$500.00:** total solely for work on the publication in Business Journal for publishing the notice of sale of the Conservatee's real property. For reference: *Clarifying and Explanatory Declaration* filed on 9/8/2014 states the sale of Conservatee's home required Attorney Boyajian to spend many hours over a seven day span preparing the template going back and forth with the Business Journal trying to fix and correct errors made to the proposed template; instead of billing the estate the full amount of time spent, he only billed a nominal fee.
 - **Overcharge of \$912.50:** Total charge of **\$10,300.00** for Attorney fees appears to be incorrect (**41.20** at **\$250.00** per hour), as the calculation of hours itemized actually totals **37.55** hours representing a charge of **\$9,387.50**, resulting in an **overcharge** of **\$912.50** to the Conservatorship estate for the requested attorney fees. For reference: *Clarifying and Explanatory Declaration* filed on 9/8/2014 states this was a technical error and the correct hours of **37.55** are the correct total hours, and compensation is requested for a total of \$9,387.50. Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration, which states that initially when he drafted his attorney hours declaration his hours spent on this case exceeded 41.20 total hours; he later decided to take a "pay cut" and reduce the hours so it could be "fair" to the estate and better fit the circumstances of the estate; he has already brought down the total hours spent on this case and discounted his hours a total of **12.1** hours not billed for [itemized]; thus the original **\$10,300.00** request was fair and equitable and he requests that amount.
- **Proposed order has been interlineated to strike the finding that a \$500.00 filing fee shall be included in the attorney's fees awarded to Attorney Boyajian.** A filing fee of **\$435.00** was paid on 8/1/2014 for the filing of the First Account. The filing fee reimbursement has been included as an interlineation in the last paragraph of the proposed order to state the filing fee of **\$435.00** shall be reimbursed to Attorney Boyajian.

Amended Petition for Final Distribution and for Allowance of Compensation for Ordinary Services on Waiver of Accounting

DOD: 10/1/10		RONALD T. OYE , Administrator, is petitioner. Accounting is waived. I & A - \$166,315.00 POH - \$166,315.00 Administrator - waives Attorney - \$5,989.45 (statutory) Costs - \$435.00 (filing fees) Petitioner requests distribution as follows: Estate of Katharine S. Kawano - 50% interest in the real property Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano – 50% interest in the real property.	NEEDS/PROBLEMS/COMMENTS: Please see related case for Katharine S. Kawano on page 30.
Cont. from 012015			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 2/20/13		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 2/18/15
Updates:
Recommendation: SUBMITTED
File 7 – Kawano

(1) Waiver of First and Final Account and Report of Administrator and Petition for Settlement Thereof; (2) for Waiver of Administrator's Compensation for Ordinary Services; (3) for Allowance of Attorney's Fees for Ordinary Services and Costs; and (4) for Final Distribution

DOD: 11/02/2009		PAIGE MCKERRAL HANKS, Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The sole beneficiary of the decedent's estate is her post deceased son, Parker J. Gillespie Jr. Petition requests 100% of the decedent's estate pass to Parker J. Gillespie, Jr.'s Trust instead of passing to his estate. Parker J. Gillespie Jr.'s trust is not the beneficiary of this estate therefore the court cannot pass the decedent's estate to her son's trust. Parker's share of the estate can only pass to his estate. Once Parker's share passes to his estate it can be passed to his Trust. 2. Inventory and Appraisal filed 03/11/2014 lists two items held by the State of California as Unclaimed Property, cash from Bank of America in the amount of \$13,797.56 and cash reported by Security Pacific National Bank in the amount of \$28,200.12. The petition states that these two items have not been collected by the Administrator. In fact, according to the Status Report filed 10/15/2014, these unclaimed items were associated with the decedent's predeceased spouse, Parker J. Gillespie, Sr. and not the decedent therefore these items should not be an asset of this estate nor should it be included in the fee base. Need amended Inventory and Appraisal. <p style="text-align: center;"><u>Please see additional page</u></p>
		Accounting is waived.	
Cont. from		I&A - \$252,951.29 POH - \$213,847.50	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	08/26/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LV

Reviewed on: 02/18/2015

Updates:

Recommendation:

File 8 - Gillespie

3. In addition, the Status Report filed 10/15/2014 states after diligent search the Administrator has been unable to locate documentation to associate Parker Gillespie Sr. with the two accounts held at the State Controllers therefore there is a possibility they may never be recovered.
4. Fee base includes receipts. Need Receipt Schedule pursuant to Probate Code §7.550(b)(6).
5. Petitioner states she is the personal representative of the Estate of Parker J. Gillespie Jr. Need Letters showing her appointment as Personal Representative.
6. Petition requests that the Parker J. Gillespie Jr. Trust will assume the attorney fees and attorney reimbursement however the trust is not responsible for these fees as the Trust is not before the Court.

(1)First and Final Report of Executor and Petition for its Settlement and (2) for Final Distribution of Estate on Waiver of Accounting

DOD: 7/13/13		PAMELA J. STRONG , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Inventory and Appraisal, partial no. 1 filed on 3/14/14 does not include attachment 1 listing the property. 2. Creditor's Claim of Capital One filed on 8/14/14 in the amount of \$217.45 was not addressed. 3. Need Allowance or Rejection of Creditor's Claim of Capital One. 4. Petition was not signed or verified by Petitioner/fiduciary Pamela J. Strong. Probate Code §1021. 5. Petition does not include a property on hand schedule. California Rules of Court, Rule 7.550(b)(4). 6. Need Notice of Hearing. 7. Need proof of service of the Notice of Hearing on Holy Spirit Catholic Church. 8. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
		Accounting is waived.	
Cont. from		I & A - \$355,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Executor - waives	
<input type="checkbox"/>	Verified	Attorney - waives	
<input checked="" type="checkbox"/>	Inventory	Closing - \$5,000.00	
<input checked="" type="checkbox"/>	PTC	Distribution, pursuant to Decedent's Will, is to:	
<input checked="" type="checkbox"/>	Not.Cred.	Pamela J. Strong - \$39,000.00 and real property.	
<input type="checkbox"/>	Notice of Hrg	Holy Spirit Catholic Church - \$1,000.00	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	9/17/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT Reviewed on: 2/18/15 Updates: Recommendation: File 9 - Strong

1) Petition for Final Distribution on Waiver of Accounting, 2) and for Allowance of Attorneys' Fees and Costs of Administration

DOD: 9/14/13		LINDA CROUCH , Executor, is petitioner. Please see petition for details. Status Report of Attorney Edward Fanucchi filed on 1/20/15	NEEDS/PROBLEMS/COMMENTS: 1. Probate Code §10501(a)(6) requires Court supervision of sales of real property to the personal representative.	
Cont. from 022415				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			2/10/14
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
Reviewed by: KT Reviewed on: 2/18/15 Updates: Recommendation: File 10 - Crouch				

Atty Amador, Catherine A., of Pascuzzi, Pascuzzi & Stoker (Petitioner)

Petition for Attorneys Fees

		CATHERINE A. AMADOR , Attorney for ALBERT ROUSSEAU , son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Page 11B is the Status Hearing for the filing by the Public Guardian of the Inventory and Appraisal.
		PUBLIC GUARDIAN was appointed Conservator of the Person on 2/10/2014; <i>Letters</i> issued on 2/20/2014.	
Cont. from 082614, 011315		PUBLIC GUARDIAN was appointed Conservator of the Estate on 8/26/2014; <i>First Amended Letters</i> reflecting appointment as Conservator of the Person and Estate issued on 9/2/2014.	Continued from 1/13/2015. Note: Because an <i>Inventory and Appraisal</i> has not yet been filed in this matter, there is no actual basis upon which the Court may evaluate the justness and reasonableness of the amount of this fee request per Local Rule 7.16(A), in relation to the total value of the conservatorship estate. For the Court's reference, the initial <i>Petition for Appointment of Conservator of the Estate</i> filed 5/30/2014 estimates the value of the estate as \$16,481.98 in personal property, and states that most of Conservatee's assets are in trust. ~Please see additional page~
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner requests payment from the [Conservatee's] Trust as follows:

1. The payment of fees in connection with the representation of the proposed Conservator from the period of **11/20/2013 through 2/10/2014;**
2. That she be paid for **17.90 hours, including 1 hour of anticipated time for Court appearance on this request, at \$275.00 per hour for a total of \$4,922.50;** and
3. That she be reimbursed the costs advanced of **\$617.00** related to the preparation, filing and service of the Petition.

Reviewed by: LEG
Reviewed on: 2/19/15
Updates:
Recommendation:
File 11A – Rousseau

NEEDS/PROBLEMS/COMMENTS, continued:

The following issues from the last hearing remain:

1. *Proof of Service by Mail* of the *Notice of Hearing* filed 7/22/2014 does not show the Conservatee, **LIZIBET ROUSSEAU**, was served with notice of this *Petition*. Need proof of 15 days' service of notice to the Conservatee pursuant to probate Code §§ 2640.1 (b) and 1460(b)(2).
2. Probate Code 2640.1 (a) provides that the Court must determine that the petition for appointment of a particular conservator who was not appointed was filed in the best interests of the Conservatee. Probate Code § 2640.1 (c) (2) provides the Court may make an order to allow any compensation or costs requested in the petition that the Court determines is just and reasonable to the attorney for the person who petitioned for appointment but was not appointed, for the attorney's services rendered in connection with and to facilitate appointment of a conservator, and costs incurred in connection therewith. **Any compensation and costs allowed shall be charged to the estate of the conservatee.** Court may require Petitioner to provide authority for payment from Conservatee's Trust, or **consent** from the Trustees of the Trust and from the Public Guardian as Conservator of the Person and Estate for payment of the requested fees from the Conservatee's Trust.

Atty Kruthers, Heather H. (for Public Guardian, Conservator of the Person and Estate)
 Atty Amador, Catherine A., of Pascuzzi, Pascuzzi & Stoker (Petitioner)

Probate Status Hearing Re: Filing Inventory and Appraisal

		PUBLIC GUARDIAN was appointed Conservator of the Person on 2/10/2014; Letters issued on 2/20/2014.	NEEDS/PROBLEMS/COMMENTS:
		PUBLIC GUARDIAN was appointed Conservator of the Estate on 8/26/2014; First Amended Letters reflecting appointment as Conservator of the Person and Estate issued on 9/2/2014.	<u>Continued from 1/13/2015.</u> Minute Order states Ms. Kruthers represents that the Inventory and Appraisal does not need to go to the referee.
Cont. from 011315			
Aff.Sub.Wit.		Minute Order dated 8/26/2014 from the hearing on the Public Guardian's Petition for Appointment of Probate Conservator of the Estate set this hearing on 1/13/2015 for filing of the Inventory and Appraisal. Notes for background: <ul style="list-style-type: none"> On 2/10/2014, the Public Guardian was appointed the Conservator of the Person of the Conservatee with medical powers; Conservatee's son, ALBERT ROUSSEAU, had filed a petition for his daughter, ANDREA ROUSSEAU, to become Conservator, and it was denied; Since 2/11/2014 the Public Guardian has been acting as Conservator of the Person, coordinating Conservatee's care providers; Prior to the Public Guardian's appointment as Conservator of the Estate, Albert and the Conservatee's other son, JEAN ROUSSEAU, as Co-Trustees, had been managing the estate assets, the majority of which are primarily held in the LIZIBET E. ROUSSEAU LIVING TRUST. 	1. Need Final Inventory and Appraisal pursuant to Probate Code § 2610. Note: Status Report Regarding Filing Inventory and Appraisal was filed 2/20/2015 by Attorney Kruthers.
Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 2/19/15	
		Updates: 2/23/15	
		Recommendation:	
		File 11B - Rousseau	

Petition to Termination of Conservatorship

DOD: 03/29/14		JOSEPH PATRICK DE LOS REYES,		NEEDS/PROBLEMS/COMMENTS:	
		son/Conservator of the Person and Estate, is		<u>CONTINUED FROM 12/02/14</u>	
		Petitioner. Bond of \$30,000.00 was filed		Minute Order from 12/02/14 states:	
		04/07/14.		The Inventory & Appraisal must be	
				filed by 12/31/14 in order for this	
Cont. from 012015		Account period: 04/07/14 – 06/30/14		matter to go forward on 01/20/15.	
	Aff.Sub.Wit.			<ol style="list-style-type: none"> 1. The Petition does not request nor address distribution or other disposition of the assets of the conservatorship estate but states that the property remaining on hand consists of real property, a vehicle, and household furnishings. Need more information and/or amended Petition. 2. Schedule C – Disbursements lists disbursements to Conservator (\$1,627.46) and to the Law Office of Mina L. Rodriguez (\$956.38), as well as to various other business entities and credit cards. No explanation is provided as to what these disbursements were for or what benefit they were to the conservatee. Further, there does not appear to be a court order or request for the payment of conservator or attorney's fees. The Court may require more information regarding the disbursements listed on Schedule C. 3. Need revised Order. The order previously submitted references a waived accounting, which is not applicable. 	
✓	Verified	Accounting	- \$207,059.14		
✓	Inventory	Beginning POH	- \$201,076.17		
	PTC	Ending POH	- \$190,000.00		
	Not.Cred.	Conservator	- not addressed		
✓	Notice of Hrg	Attorney	- not addressed		
✓	Aff.Mail		w/		
	Aff.Pub.				
	Sp.Ntc.	Petitioner prays for an Order:			
	Pers.Serv.	1. Terminating the conservatorship;			
	Conf. Screen	2. Discharging Petitioner as Conservator of the Person and Estate and exonerating Petitioner's bond.			
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	2620(c)				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 02/18/15	
				Updates:	
				Recommendation:	
				File 12 – De Los Reyes	

DOD: 8-29-14			See petition for details.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skC	
			Reviewed on: 2-18-15	
			Updates:	
			Recommendation:	
			File 13 - Anderson	

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 07/20/2013	<p>DIANE THOMPSON, daughter, was appointed Administrator with full IAEA authority and bond set at \$285,000.00 on 10/31/2013.</p> <p>Receipt of Bond in the amount of \$285,000.00 was filed on 11/20/2013.</p> <p>Letters issued 12/05/2013.</p> <p>Partial No. 1 Inventory and Appraisal filed 12/16/2013 shows an estate valued at \$75,000.00.</p> <p>Partial No. 2 Final Inventory and Appraisal (Corrected) filed 12/09/2014 shows an estate valued at \$167,658.71.</p> <p>Partial No. 3 Supplemental Inventory and Appraisal filed 09/04/2014 shows an estate valued at \$2,269.73.</p> <p>Minute Order of 10/31/2013 set this matter for the filing of the First Account and/or Petition for Final Distribution.</p> <p>Verified Status Report of Administrator filed 01/06/2015 states the Administrator anticipates filing her First and Final Account and Report and Petition for Final Distribution within the next thirty (30) days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> <u>FIRST AND FINAL ACCOUNT FILED 01/26/2015. HEARING IS SET FOR 03/09/2015.</u></p> <p>1. Need First Account or Petition for Final Distribution.</p>
Cont. from 010715		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 02/18/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Thompson</p>

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>BOND FILED IN THE AMOUNT OF</u> <u>\$304,000.00 ON 02/13/2015.</u>
Cont. from 012615		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/18/2015
		Updates:
		Recommendation:
		File 15 - Ugaste

DOD: 06/30/11	<p>RICARDO GARCIA, brother, was appointed as Administrator with Limited IAEA and without bond on 07/21/14.</p> <p>Letters of Administration were issued on 07/24/14.</p> <p>Minute order dated 1/13/15 set this Order to Show Cause to Ricardo Garcia as to why he should not be removed as Administrator of the Estate for failure to file the Inventory and Appraisal. Mr. Garcia is ordered to be personally present in court on 2/24/15.</p> <p>- Copy of the minute order was mailed to Ricardo Garcia on 1/13/15.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/18/15
		Updates:
		Recommendation:
		File 16 - Blanco

Atty Alegria, Eddie (Pro Per – Petitioner – Cousin)

Atty Dominguez, Pablo III (Pro Per – Father of Nevaeh – Objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

**TEMPORARY AS TO NAVAEH
EXPIRES 02/24/2015****PLEASE SEE PETITION FOR DETAILS**Cont. from 081414,
101414, 011315

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

NEEDS/PROBLEMS/COMMENTS:

Petition is as to Nevaeh only.

Minute Order of 01/13/2015: continued to allow time for the defects to be cured.

Minute Order of 12/15/2014 (Judge Hamlin): Examiner notes are provided to the petitioner. The petitioner advises the Court that she no longer has Josiah. The petition as to Josiah is withdrawn. The temporary as to Nevaeh is extended to 01/13/2015.

The following issues remain:

1. Need Notice of Hearing.
 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
 - Pablo Dominguez, III (Father of Nevaeh) – Unless the Court dispenses with notice
- Note:** Declaration of Due Diligence filed 12/11/2014 states she does not know him. The day he came to take the child he gave her his number but because she never got an answer she assumed it was the wrong number.
- Chrissy Quair (Mother)-Unless the Court dispenses with notice.

Note: Declaration of Due Diligence is incomplete. It does not provide any information regarding petitioner's last contact nor the results of her search for the mother.

Please see additional page**Reviewed by:** LV**Reviewed on:** 02/18/2015**Updates:****Recommendation:****File 17 – Gayten & Dominguez**

NEEDS/PROBLEMS/COMMENTS CONTINUED:

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
 - **Paternal Grandfather of Nevaeh (Not Listed)**
 - **Maylou Dick (Paternal Grandmother)**
 - **Maternal Grandfather (Not Listed)**
 - **Maternal Grandmother (Not Listed)**

Confidential Hearing

		Confidential	NEEDS/PROBLEMS/COMMENTS:	
Cont from 011315				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				Reviewed by: skc
				Reviewed on: 2-17-15
				Updates:
		Recommendation:		
		File 18 - Escobedo		

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

			<u>TEMPORARY EXPIRES 02/24/2015</u>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 010615				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	n/a		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> John Murray (Paternal Grandfather) Note: Declaration of Due Diligence filed 01/20/2015 lead to discovery of a possible address and phone number. The notice of hearing and petition was mailed to Mr. Murray at the discovered address. Declaration includes several attempts at locating Mr. Murray which also includes Facebook messages attached as Exhibits. <p>Declaration of Ashley Zamora filed 01/20/2015 states she called and left a message regarding the hearing date of 02/24/2015 in Department 303.</p> <p>Declaration of Tina Sholes filed 01/20/2015 states she text Mr. Murray regarding the hearing and includes screen shots of the text as Exhibits.</p>
				Reviewed by: LV
				Reviewed on: 02/18/2015
				Updates:
				Recommendation:
				File 19 - Murray

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		Temporary Expires 2/24/15	NEEDS/PROBLEMS/COMMENTS:
		WILLIE MAE JOHNSON, maternal aunt, is petitioner.	Continued from 1/6/15. As of 2/17/15 the following issues remain:
Cont. from 010615		Please see petition for details.	1. Need Notice of Hearing.
	Aff.Sub.Wit.		
✓	Verified	Court Investigator Report filed on 12/19/14	2. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on:
	Inventory		
	PTC		a. Narvel Boston (paternal grandfather)
	Not.Cred.		b. Selestine Campbell (paternal grandmother)
	Notice of Hrg	X	c. Rosalind Caldwell (maternal grandmother)
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 2/18/15
✓	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 20 – Campbell

21 Shirley Jean Traylor (Det Succ)
Atty Patch, Joanna L. (Pro Per – Daughter – Petitioner)
Atty Traylor, Christopher A. (Pro Per – Son – Petitioner)

22 Christian Fane & Miah Fane (GUARD/P)
Atty Bell, Beverly J. (pro per Petitioner/maternal grandmother)
Atty Bell, Rodney D. (pro per Petitioner/maternal grandfather)
Atty Fane, Nehemiah (pro per Objector/father)

Case No. 14CEPR01144

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMPORARY EXPIRES 2/24/15	NEEDS/PROBLEMS/COMMENTS:
		BEVERLY J. BELL and RODNEY D. BELL,	1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Alfred Fane (paternal grandfather) b. Vigie Fane (paternal grandmother)
		maternal grandparents, are petitioners.	
Cont. from		Please see petition for details.	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Objections of father, Nehemiah Fane, filed on 1/25/15.	
<input checked="" type="checkbox"/>	Verified		
	Inventory		
	PTC		
	Not.Cred.	Court Investigator Report filed on 2/17/15	
<input checked="" type="checkbox"/>	Notice of Hrg		
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/18/15
			Updates:
			Recommendation:
			File 22 - Fane

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		THERE IS NO TEMPORARY.		NEEDS/PROBLEMS/COMMENTS:	
		Temporary was not requested.			
		TIMOTHY NIETO GUTIERREZ , step-father, is petitioner.		1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice for Terence McCloud – Unless the court dispenses with notice.	
Cont. from		Please see petition for details.		2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on the paternal grandparents and the maternal grandfather – Unless the court dispenses with notice.	
	Aff.Sub.Wit.		Court Investigator Report filed on 2/11/15.		
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	W/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT	
				Reviewed on: 2/19/15	
				Updates:	
				Recommendation:	
				File 23 - McCloud	

Neveah age: 8 DOB: 2/15/07		TEMPORARY EXPIRES 2/24/15 LEON MUSGRAVE , maternal great-grandfather, is petitioner. Please see petition for details. Court Investigator Report filed on 2/17/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of the Notice of Hearing along with a copy of the Petitioner or Consent and Waiver of Notice or Declaration of Due Diligence for: a. Perry Anthony Espinoza (Neveah's father) – Note: Father was served by mail on 2/19/15. Probate Code §1511 requires personal service at least 15 days prior to the hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandparents b. Maternal grandparents
Lillie age: 6 DOB: 3/12/08			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg X		
<input type="checkbox"/>	Aff.Mail X		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv. W/		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 2/18/15			
Updates: 2/20/15			
Recommendation:			
File 24 - Musgrave			

Petition to Determine Succession to Real Property (Prob. C. 13151)

Age:		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Amended petition filed and set for hearing on 3/10/15.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT	
	Reviewed on: 2/19/15	
	Updates:	
	Recommendation:	
	File 25 - Kilgore	

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

			General Hearing 4/23/15	NEEDS/PROBLEMS/COMMENTS:
			GINA CHACON , maternal grandmother, is petitioner.	1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the Temporary Petition, or Consent and Waiver of Notice, or Declaration of Due Diligence on: a. Roy Dominguez (father) b. Nichole Dominguez (mother)
			See petition for details.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 2/19/15
				Updates:
				Recommendation:
				File 26 - Dominguez

Petition for Visitation

		<p>MICHELLE HARRIS, mother, is petitioner.</p> <p>GEORGE FICKENWORTH, maternal grandfather, is the guardian.</p> <p>See Petition for Details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail W/O		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order X		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 2/18/15	
		Updates:	
		Recommendation:	
		File 27 - McGill	

Atty Kruthers, Heather H (for Petitioner Public Guardian)

Atty LeVan, Nancy (Court Appointed for Conservatee)

Petition for Appointment of Temporary Conservatorship of the Person and Estate

		TEMPORARY GRANTED EX PARTE. TEMPORARY EXPIRES ON 2/24/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition on the proposed conservatee, Marjorie Beatty. 2. Proof of service of the Notice of Hearing for daughter, Carol Thompson, lists "whereabouts unknown-homeless" Need Declaration of Due Diligence.
		PUBLIC GUARDIAN is petitioner and requests appointment as temporary conservator of the person and estate.	
Cont. from		Please see petition for details.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Court Investigator's Report filed on 2/20/15.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: KT
			Reviewed on: 2/20/15
			Updates:
			Recommendation:
			File 28 - Beatty

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 09/26/13	<p>LIANA M. WAITE, daughter, was appointed as Administrator with Will Annexed on 07/15/14. Letters were issued on 07/17/14.</p> <p>Minute Order from hearing on 07/15/14 set this matter for status regarding filing the Inventory & Appraisal.</p> <p>Declaration of Administrator Re Status Hearing filed 12/15/14 states: the assets are still to be appraised by the probate referee. It is estimated that approximately 60 days will be required to complete and file the appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Final Inventory & Appraisal filed 02/19/15</p>	
Cont. from 121614, 021715			
Aff.Sub.Wit.			
Verified			
Inventory			x
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 02/18/15</p> <p>Updates: 02/19/15</p> <p>Recommendation:</p> <p>File 29 - Sena</p>			

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 6/29/2011	RONALD T. OYE , Trustee of the Katharine Kawano 2011 Trust dated 6/29/11, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Please see related case, the Estate of Bruce Kawano, on page 7.
Cont. from 101414, 121814, 121814, 021715	40 days since DOD.	
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$83,187.50	
<input checked="" type="checkbox"/> Verified	Petitioner requests Decedent's 50% interest in a 14.5% interest in real property located in Fresno County pass to him as Trustee of the Katharine Kawano 2011 Trust.	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail <input type="checkbox"/> W/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: KT
<input type="checkbox"/> Status Rpt		Reviewed on: 2/18/15
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation: SUBMITTED
<input type="checkbox"/> FTB Notice		File 30 - Kawano